



Notice of Permanent Rule for the 1000 Foot Buffer Measurement for Marijuana Licenses

This explanatory statement concerns the Washington State Liquor Control Board's adoption of an amendments to WAC 314-55-050 Reasons the board may seek denial, suspensions, or cancellation of a marijuana license application or license.

The Administrative Procedure Act (RCW 34.05.325(6)) requires agencies to complete a concise explanatory statement before filing adopted rules with the Office of the Code Reviser. This statement must be provided to anyone who gave comment about the proposed rule making.

Once persons who gave comment during this rule making have had a chance to receive this document, the Liquor Control Board will file the amended rules with the Office of the Code Reviser. These rule changes will become effective 31 days after filing (approximately April 5, 2014).

The Liquor Control Board appreciates your involvement in this rule making process. If you have any questions, please contact Karen McCall, Rules Coordinator, at (360) 664-1631 or e-mail at rules@liq.wa.gov.

What are the agency's reasons for adopting this rule?

Revisions to the rule are needed to change the way the board will measure the 1000 foot buffer for marijuana licenses to be consistent with federal guidelines.

Summary of all public comments received on this rule proposal.

No comments were received at the public hearing held on February 26, 2014, in the Board Room in Olympia, WA. Two written comments were received in support of the rule change. Three comments were received opposing the rule change.

Comments:

Three comments were received opposing the rule change because it limits the number of available properties for marijuana licenses.

LCB response: The rule change is to ensure the rule is consistent with federal guidelines.

Two comments were received supporting the rule change.

WAC Changes

AMENDATORY SECTION (Amending WSR 13-21-104, filed 10/21/13,
effective 11/21/13)

**WAC 314-55-050 Reasons the board may seek denial,
suspension, or cancellation of a marijuana license application
or license.** Following is a list of reasons the board may deny,
suspend, or cancel a marijuana license application or license.
Per RCW 69.50.331, the board has broad discretionary authority
to approve or deny a marijuana license application for reasons
including, but not limited to, the following:

(1) Failure to meet qualifications or requirements for the
specific marijuana producer, processor, or retail license, as
outlined in this chapter and chapter 69.50 RCW.

(2) Failure or refusal to submit information or documentation requested by the board during the evaluation process.

(3) The applicant makes a misrepresentation of fact, or fails to disclose a material fact to the board during the application process or any subsequent investigation after a license has been issued.

(4) Failure to meet the criminal history standards outlined in WAC 314-55-040.

(5) Failure to meet the marijuana law or rule violation history standards outlined in WAC 314-55-045.

(6) The source of funds identified by the applicant to be used for the acquisition, startup and operation of the business is questionable, unverifiable, or determined by the board to be gained in a manner which is in violation by law.

(7) Denies the board or its authorized representative access to any place where a licensed activity takes place or fails to produce any book, record or document required by law or board rule.

(8) Has been denied or had a marijuana license or medical marijuana license suspended or canceled in another state or local jurisdiction.

(9) Where the city, county, tribal government, or port authority has submitted a substantiated objection per the requirements in RCW 69.50.331 (7) and (9).

(10) The board shall not issue a new marijuana license if the proposed licensed business is within one thousand feet of the perimeter of the grounds of any of the following entities. The distance shall be measured (~~((along the most direct route over or across established public walks, streets, or other public passageway between))~~) as the shortest straight line distance from the property line of the proposed building/business location to the (~~((perimeter of the grounds))~~) property line of the entities listed below:

- (a) Elementary or secondary school;
- (b) Playground;
- (c) Recreation center or facility;
- (d) Child care center;
- (e) Public park;

(f) Public transit center;

(g) Library; or

(h) Any game arcade (where admission is not restricted to persons age twenty-one or older).

(11) Has failed to pay taxes or fees required under chapter 69.50 RCW or failed to provide production, processing, inventory, sales and transportation reports to documentation required under this chapter.

(12) Failure to submit an attestation that they are current in any tax obligations to the Washington state department of revenue.

(13) Has been denied a liquor license or had a liquor license suspended or revoked in this or any other state.

(14) The operating plan does not demonstrate, to the satisfaction of the board, the applicant is qualified for a license.

(15) Failure to operate in accordance with the board approved operating plan.

(16) The board determines the issuance of the license will not be in the best interest of the welfare, health, or safety of the people of the state.

[Statutory Authority: RCW 69.50.325, 69.50.331, 69.50.342, 69.50.345. WSR 13-21-104, § 314-55-050, filed 10/21/13, effective 11/21/13.]